IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

LA.App..No. 365 of 2001()

LAR.339/1997 of PRINCIPAL SUB COURT,PARAVUR
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APPELLANT:
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1. POULOSE, S/O. ITHAPPIRI VARIATH, PUTHENPUTHUSSERY, AVANAMCODE.

2. ANNAMMA, W/O. POULOSE, DO. DO.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

KERALA STATE REPRESENTED BY SPEICAL TAHSILDAR (LA)
NO.1, KIA, NEDUMBASSERY, ANGAMALY.

BY ADV. SRI.N.N.SUGUNAPALAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 04/12/2006, ALONG WITH LAA NO. 790/2002 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M. RAMACHANDRAN & A.K. BASHEER, JJ.

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LAA.NOS.365/2001 & 790, 870, 916, 1201, 1339, 1495 & 1564 OF 2002

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DATED THIS THE 4TH DAY OF DECEMBER, 2006.

JUDGMENT

Ramachandran, J.

These are appeals filed by the claimants. In any of the cases, the State or the requisitioning authority had filed appeals. What had been granted was 45% enhancement by the Land Acquisition Court.

2. The claimants contend that taking notice of the situation of the properties, a larger enhancement should have been granted. But we are disabled from considering any such contentions in view of the circumstances that a Division Bench of this court in respect of properties which were identically situated, had held that 45% enhancement was not only reasonable, but adequate (vide judgment dated 16.6.2003 in L.A.A.No.865/2000 and connected cases).

3. As a matter of fact, those were cases where the Land Acquisition Court had granted enhancement of 96%. But the enhancement as above had been scaled down to 45%. In the aforesaid circumstances, these appeals are dismissed.

4. On behalf of the claimants, however, it had been submitted that they will be entitled to the interest and solatium. But learned counsel for the respondents submits that compensation amounts are in deposit already and it may not be therefore justifiable for agitating such contentions. We make it clear that in

cases where deposits are yet to be made, the claimants will be entitled to the benefits as above and disposal of these appeals will not stand in the way of agitating such claims.

(M.Ramachandran, Judge.)

(A.K. Basheer, Judge.)

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M. RAMACHANDRAN &

A.K. BASHEER, JJ.

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LAA NOS.365/2001 & 790, 870, 916,

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JUDGMENT

4TH DECEMBER, 2006.